

**Senate File 2304 - Introduced**

SENATE FILE 2304

BY T. TAYLOR

**A BILL FOR**

1 An Act relating to providing family and medical leave for  
2 railroad employees and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1.   NEW SECTION.   91F.1   Definitions.

2     As used in this chapter, unless the context otherwise  
3 requires:

4     1.   *"Applicable monthly guarantee"* means the minimum number  
5 of hours a railroad employer has agreed to pay the employee or  
6 the minimum number of hours a railroad employer has agreed to  
7 schedule the employee.

8     2.   *"Commissioner"* means the labor commissioner, appointed  
9 pursuant to section 91.2.

10    3.   *"Eligible employee"* means an employee, as defined in  
11 section 91A.2, who performs regulated service for a railroad  
12 employer, has been employed for at least twelve months by the  
13 railroad employer with respect to whom leave is requested,  
14 and has worked or been paid for not less than five hundred  
15 four hours with such railroad employer during the previous  
16 twelve-month period or has worked or been paid for not less  
17 than sixty percent of the employee's applicable monthly  
18 guarantee.

19    4.   *"Parent"* means a biological or adoptive parent of an  
20 employee.

21    5.   *"Railroad employer"* means an employer, as defined in  
22 section 91A.2, that is a railroad which operates any form  
23 of nonhighway ground transportation that runs on rails or  
24 electromagnetic guideways.

25    6.   *"Serious health condition"* means an illness, injury,  
26 impairment, or physical or mental condition that involves  
27 inpatient care in a hospital, hospice, or residential facility  
28 or continuing treatment by a health care provider.

29    7.   *"Son or daughter"* means a biological, adopted, or foster  
30 child, a stepchild, a legal ward, or a child of a person  
31 standing in loco parentis who is under eighteen years of age or  
32 is eighteen years of age or older and incapable of self-care  
33 because of a mental or physical disability.

34    8.   *"Spouse"* means a husband or wife.

35    Sec. 2.   NEW SECTION.   91F.2   Family and medical leave

1 authorized.

2 1. An eligible employee shall be entitled to a total of  
3 eighty-four days of leave during any twelve-month period for  
4 one or more of the following:

5 a. Because of the birth of a son or daughter of the employee  
6 and in order to care for such son or daughter.

7 b. Because of the placement of a son or daughter with the  
8 employee for adoption or foster care.

9 c. In order to care for the spouse, or a son, daughter,  
10 or parent of the employee, if such spouse, son, daughter, or  
11 parent has a serious health condition.

12 d. Because of a serious health condition that makes the  
13 employee unable to perform the functions of the position of  
14 such employee.

15 2. The entitlement to leave under subsection 1, paragraphs  
16 "a" and "b", for a birth or placement of a son or daughter shall  
17 expire at the end of the twelve-month period beginning on the  
18 date of such birth or placement.

19 Sec. 3. NEW SECTION. 91F.3 Leave requirements.

20 1. A railroad employer shall not be required to pay an  
21 eligible employee for any leave taken pursuant to section  
22 91F.2. However, an eligible employee taking a leave permitted  
23 by this chapter may elect to substitute for leave allowed under  
24 this chapter any of the employee's accrued vacation leave or  
25 other accrued time off during this period or any other paid  
26 or unpaid time off negotiated with the employer. However, an  
27 employee shall not use sick leave during the period of the  
28 family and medical leave unless mutually agreed to by the  
29 employer and the employee.

30 2. If the employee's need for a leave pursuant to this  
31 section is foreseeable, the employee shall provide the railroad  
32 employer with reasonable advance notice of the need for the  
33 leave.

34 Sec. 4. NEW SECTION. 91F.4 Penalties — enforcement.

35 1. It shall be unlawful for a railroad employer to refuse to

1 hire, discharge, fine, suspend, expel, or discriminate against  
2 any individual for exercising the individual's rights to take  
3 leave pursuant to this chapter.

4 2. An employer who violates this chapter commits a simple  
5 misdemeanor.

6 3. The commissioner shall adopt rules to implement and  
7 enforce this chapter.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with  
10 the explanation's substance by the members of the general assembly.

11 This bill provides that railroad employees shall be entitled  
12 to take leave, including unpaid leave, for up to 84 days in  
13 a 12-month period because of a birth or adoption of a son  
14 or daughter or because of a serious health condition of the  
15 employee or the employee's son or daughter, spouse, or parent.

16 The bill provides definitions for "applicable monthly  
17 guarantee", "commissioner", "eligible employee", "parent",  
18 "railroad employer", "serious health condition", "son or  
19 daughter", and "spouse". An eligible employee is defined as  
20 a person employed for at least 12 months by the employer and  
21 who has worked or been paid for not less than 504 hours with  
22 such employer during the previous 12-month period or has worked  
23 or been paid for not less than 60 percent of the employee's  
24 applicable monthly guarantee. "Applicable monthly guarantee"  
25 is defined as the minimum number of hours a railroad employer  
26 has agreed to pay the employee or the minimum number of hours  
27 a railroad employer has agreed to schedule the employee. A  
28 "railroad employer" is defined as provided in the Code chapter  
29 governing wage payment collection as a person who employs a  
30 natural person for wages for a railroad.

31 The bill provides for how the leave will be taken, whether  
32 paid or unpaid, and that an eligible employee should make  
33 an effort to provide advance notice that the leave may be  
34 taken. The bill provides that a railroad employer who violates  
35 this Code chapter commits a simple misdemeanor. A simple

S.F. 2304

1 misdemeanor is punishable by confinement for no more than  
2 30 days and a fine of at least \$105 but not more than \$855.  
3 Finally, the bill provides that the labor commissioner shall  
4 adopt rules to implement and enforce this new Code chapter.